HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT APPEAL NO.1191 OF 2006

Between:

Smt. Dr. K.Aruna and others

. . .Appellants

AND

Kavali Sathamma and others

. . .Respondents

:: JUDGMENT ::

Counsel for the Appellants : Shri O.Manohar Reddy

Counsel for Respondent No.1 : Shri D.Govardhana Chary

Counsel for Respondent Nos.2 to 4 : Government Pleader for Revenue

9th November, 2006

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PER G.S.SINGHVI, CJ

This appeal is directed against order dated 01.09.2006 passed by the learned Single Judge in W.P.M.P.No.29751 of 2005 in Writ Petition No.23199 of 2005.

In the writ petition filed by her, respondent No.1 challenged the legality of order dated 09.12.2004 passed by Joint Collector, Ranga Reddy, whereby the officer concerned reversed order dated 13.07.1998 passed by Mandal Revenue Officer, Keesara Mandal and order dated 07.12.2002 passed by Revenue Divisional Officer, Ranga Reddy (East Division). Along with the writ petition, respondent No.1 filed W.P.M.P.No.29751 of 2005 for staying the operation of order dated 09.12.2004.

After hearing the parties, the learned Single Judge passed the impugned order. The relevant portions of which are reproduced below:

> "The petitioner approached the Mandal Revenue Officer, for mutation in her favour in respect of land admeasuring Acs.1.28 guntas in survey No.637 and Acs.6.37 guntas in survey No.641 situated at Rampally village, Keesara Mandal. By proceedings, dated 13-7-1998, the third respondent ordered mutation in favour of the petitioner. Aggrieved by the same, respondents 4 to 6 filed an Appeal under Section 5 (5) of Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity) and the same was dismissed by order, dated 7-12-2002. It appears respondents then filed a suit for declaration of title being O.S.No.698 of 2004 on the file of the court of the I Additional Senior Civil Judge, Ranga Reddy District. The suit was filed on 25-5-2004. Even then, first respondent passed orders in the Revision under section 9 of the Act on 9-12-2004

reversing the orders of the Mandal Revenue Officer and Revenue Divisional Officer. The order of the Joint Collector is assailed in the writ petition.

In this background, if the impugned order is not suspended as prayed for, the same is likely to cause prejudice to the petitioner. Therefore, the impugned order is suspended."

We have heard learned counsel for the parties and perused the record.

Admittedly, the parties are litigating in the Civil Court and the property, which is the subject matter of the writ petition is also the subject matter of O.S.No.698 of 2004 pending in the Court of I-Additional Senior Civil Judge, Ranga Reddy District. In this view of the matter, the learned single Judge should have, while accepting the prayer made by respondent No.1, directed the parties to maintain status quo, as it was obtaining on the date of filing of the writ petition with the condition that there shall be no alienation of the property and neither party should create any encumbrance over it.

Since the aforesaid condition has not been incorporated in the order under challenge, we deem it proper to dispose of the appeal with the direction that status quo in respect of possession of the property in dispute shall be maintained. This would necessarily mean that neither party should enter into any transaction of sale, gift, mortgage etc., or otherwise alienate the property and shall not create any encumbrance over it. The parties should also refrain from making any addition or alteration in the present status of the property. Ordered accordingly.

As a sequel to disposal of the main appeal, W.A.M.P.No.2480 of 2006 filed by the appellants for interim relief is disposed of as infructuous.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

Date: 09.11.2006

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